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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/937,934      | 10/01/2001  | Chiyoko Matsumi      | MTS-3279US          | 8806             |

7590 06/26/2006

Ratner & Prestia  
One Westlakes Berwyn Suite 301  
PO Box 980  
Valley Forge, PA 19482-0980

EXAMINER

VU, VIET DUY

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2154

DATE MAILED: 06/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/937,934

Applicant(s)

MATSUMI ET AL.

Examiner

Viet Vu

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 13-19 and 21-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-19 and 21-52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**Art Rejections:**

1. The texts of 35 U.S.C. 102(e) and 103(a) cited in the previous office action are hereby incorporated by reference.

2. Claims 13-19 and 21 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Yamaji, U.S. pat. No. 6,141,385.

Yamaji discloses a system and method for processing and reproducing audio/video data transmitted via transmission medium comprising:

a) a time generating means (15, 16, fig. 1) for generating time interval information without tagging (see col 6, lines 37-48);

b) an outputting means (26, fig. 1) for outputting a stream data based on the generated predetermined time interval information and a buffering means (1, 2, fig. 1) for storing output stream data and time interval information (see col 6, lines 55-62);

c) a sending means (3, 4, fig. 1) for dividing the stored stream data into packet data and for sending the packet data (col 5, lines 7-35);

d) a transmission managing means (6, fig. 1) for entering the stream data to the sender based on predetermined time interval information (see col 5, lines 42-48).

Per claims 16-17, Yamaji teaches generating instruction for changing/correcting time interval information in accordance with a condition of burden upon the sending means (see col 7, lines 24-39).

Per claims 19 and 21, it is noted that Yamaji's video/audio decoder is for use in a digital media player.

3. Claims 27-35, 37-45, 47 and 50-52 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Saeijs et al, U.S. pat. No. 6,556,590.

Per claims 27-33 and 35, Saeijs discloses a system and method for processing and reproducing audio/video data transmitted via transmission medium comprising:

- a) an interface which receives a transmission packet containing a transmission path header and data blocks (see col 22, lines 42-46);
- b) transmission path header separator means (packet detector) for separating the transmission packet into a header and data blocks (see col 23, lines 23-27);
- c) additional information extraction means which extract the additional information (e.g., timing information) from the transmission header (col 23, lines 28-30);
- d) data packet generating means which generates from the data blocks a data packet which is obtained by combining one or more data blocks (see col 21, lines 52-67); and
- e) additional information inserting means which adds or inserts the additional information to the beginning of data packet (see col 21, lines 62-67 and col 23, line 58 – col 24, line 65) .

Per claims 34 and 37, Saeijs teaches inserting additional information in the sync bytes of the transport packet (see col 22, lines 53-57).

Claims 38-45, 47 and 50-52 are similar in scope as that of claims 27-35 and 37.

4. Claims 22-26, 36, 46 and 48-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saeijs.

Per claims 22-25, Saeijs does not explicitly teach computing a start time of each frame of the stream data using a formula:  $T = X + Z + Y(N-1)$ . Saeijs however teaches computing start time

of a next frame based upon the start time and time duration of the previous frame when the transmission unit size is known and constant (see col 22, lines 13-24). It would have been obvious to one of ordinary skill in the art at the time the invention was made to recognize the use of such formula in view of Saeijs' teachings for computing start time of each frame when the transmission unit size is known and constant.

Per claims 36 and 46, it would have been obvious to one of ordinary skill in the art at the time the invention was made to practice Saeijs' invention with any additional information to be stored in the packet (see col 24, lines 52-58).

Per claims 26 and 48-49, it would have been further obvious to one of ordinary skill in the art at the time the invention was made to utilize corresponding program instructions for implementing Saeijs' invention.

**Response to Amendment:**

5. Applicant's arguments filed on 4/21/2006 with respect to claims 27-52 have been fully considered but are not found persuasive.

Per claim 13, applicant's arguments with respect to new limitation in the claim are moot in view of new ground of rejection set forth above.

Per claim 22, applicant asserts that Saeijs does not teach computing a start time of first packet of each frame using an expression as set out in the claim.

The examiner disagrees. The examiner submits that Saeijs clearly implies such expression with his teachings of computing a start time of each frame when the transmission unit size is known and constant (see col 22, lines 13-24).

Per claim 27, applicant asserts that Saeijs does not teach receiving and processing a transmission packet that contains a header in which additional information is described.

The examiner disagrees. The examiner submits that Saeijs teaches receiving and processing real-time transmission packets in which each received packet is associated with timing information. Saeijs particularly teaches determining and extracting timing information associated with the packet header using a packet header detector (see col 23, lines 23-28). Since the claim still fails to more specifically recite how the additional information is “described” in the packet header, i.e., physically stored or logically associated, the examiner submits that the timing information associated with each packet header as disclosed by Saeijs meets the claimed additional information even though Saeijs does not teach storing the timing information in the packet header.

**Conclusion:**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Viet Vu whose telephone number is 571-272-3977. The examiner can normally be reached on Monday through Friday from 7:00am to 4:00pm. The Group general information number is 571-272-2100. The Group fax number is 571-273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee, can be reached on 571-272-3964.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

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Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



VIET D. VU  
PRIMARY EXAMINER

Art Unit 2154  
6/20/06